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SENATE BILL 13-230

BY SENATOR(S) Steadman, Hodge, Aguilar, Carroll, Guzman, Heath, Hudak, Johnston, Kefalas, Nicholson, Tochtrop, Todd, Ulibarri, Morse;
also REPRESENTATIVE(S) Levy, Duran, Gerou, Buckner, Court, Exum, Fields, Fischer, Foote, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, McCann, Melton, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Williams, Young, Ferrandino.

CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 2013, EXCEPT AS OTHERWISE NOTED.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Definitions - general provisions. As used in this act, the following definitions and general provisions shall apply:

(1) Section 24-75-112, Colorado Revised Statutes, provides definitions in order to specify the purpose of certain line items of appropriation.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) The funds designated to constitute the state emergency reserve for the 2013-14 fiscal year are:

(a) The major medical insurance fund, created in section 8-46-202 (1) (a), Colorado Revised Statutes, up to a maximum of \$83,000,000;

(b) The controlled maintenance trust fund, created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, up to a maximum of \$48,000,000;

(c) The unclaimed property tourism promotion trust fund, created in section 38-13-116.7 (1), Colorado Revised Statutes, up to a maximum of \$5,000,000;

(d) The perpetual base account of the severance tax fund, created in section 39-29-109 (2) (a) (II), Colorado Revised Statutes, up to a maximum of \$33,000,000;

(e) The Colorado water conservation board construction fund, created in section 37-60-121 (1) (a), Colorado Revised Statutes, up to a maximum of \$33,000,000;

(f) The wildlife cash fund, created in section 33-1-112 (1) (a), Colorado Revised Statutes, up to a maximum of \$34,000,000; and

(g) Up to \$93,600,000 of state properties as follows:

(I) The state parking garage located at 1350 Lincoln Street, Denver, Colorado 80203, which has a value of \$10,589,194;

(II) The legislative services building located at 200 E. 14th Avenue, Denver, Colorado 80203, which has a value of \$18,912,098;

(III) The centennial building located at 1313 Sherman Street, Denver, Colorado, 80203, which has a value of \$38,926,008; and

(IV) The state services building located at 1525 Sherman Street, Denver, Colorado, 80203, which has a value of \$35,666,718.

SECTION 2. Appropriation. (1) The sums in this section

hereinafter specified, or so much thereof as may be necessary for the purposes shown, are hereby appropriated out of any moneys in the general fund, the indicated cash funds, reappropriated funds, and federal funds, for the payment of the ordinary operating costs of the executive, legislative, and judicial departments of the state, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2013, and:

(a) The figures in the column headed "item & subtotal" are the amounts made available by appropriation for expenditure within each line item, except for the figures that appear directly beneath a line, which figures are subtotals of the preceding line item appropriation amounts. The figures in the "total" column are the amounts made available by appropriation for expenditure by the department, division, institution, or program to which the totals relate.

(b) The figures in the "general fund", "general fund exempt", "cash funds", "reappropriated funds", and "federal funds" columns indicate the source of funds for the amounts authorized in the expenditure columns.

(c) The figures in the "general fund" and "general fund exempt" columns indicate the maximum amount that may be expended from the general fund for the purposes shown.

(d) Where the letter "(M)" appears directly to the right of a general fund or general fund exempt figure, that general fund or general fund exempt appropriation, when combined with the related general fund or general fund exempt transfers from the centralized appropriations to the office of the executive director, is used to support a federally supported program and is the maximum amount of general fund or general fund exempt moneys that may be expended in that program, except where otherwise provided. In the event that additional federal funds are available for the program, the combined general fund or general fund exempt amount noted as "(M)" shall be reduced by the amount of federal funds earned or received in excess of the figure shown in the "federal funds" column for that program. In the event that the federal funds earned or received are less than the amount shown in the "federal funds" column, the combined general fund or general fund exempt amount noted as "(M)" shall be reduced proportionately. Where general fund or general fund exempt support is required as a condition for the acceptance of federal funds and the state matching requirements are reduced, the combined general fund or general

fund exempt amount noted as "(M)" shall be reduced proportionately. These provisions shall apply only to the general fund or general fund exempt amount which remains unexpended at the time of the change in federal requirements or funding. It is intended that the general fund or general fund exempt amount and the federal funds amount shall be expended in equally proportioned amounts throughout the year.

(e) (I) The figures in the "cash funds" or "reappropriated funds" columns, including the figures in any related lettered notes, indicate all non-general fund and non-general fund exempt sources and all nondirect federal fund sources and may be cash funds established by statute, nonstatutory cash accounts, tuitions, overhead reimbursements, certain fees, governmental and nongovernmental "third-party" payments, payments for services, and interagency transfers. Such figures indicate the maximum amount that may be expended from cash funds or the specified cash fund sources for the purposes shown. The amount of each cash funds or reappropriated funds appropriation is expressly declared to be nonseverable from the agency, source, and purpose of such appropriation, and such amount shall not be used for any other agency, source, or purpose.

(II) The provisions of this paragraph (e) shall not apply where this act specifically provides otherwise or where cash funds are marked with an "(L)". The "(L)" designation refers to the funds of local governments or to the funds of service organizations from which the state purchases services, the amounts of which are not appropriated in this act and the inclusion of which is informational only.

(III) Whenever a state agency receives cash funds or reappropriated funds from a centralized appropriation made to the office of the executive director of such agency's department and this act does not set forth such funds as a duplicate appropriation to said receiving agency, the provisions of this paragraph (e) shall not apply to the receipt of such funds.

(IV) Whenever the controller creates an account solely for the purpose of establishing the obligation of a state agency to generate cash funds or reappropriated funds for distribution to another state agency to which such funds are appropriated by this act, the provisions of this paragraph (e) shall not apply to the account created or to such distribution.

(f) Where the letter "(H)" appears directly to the right of a cash

funds or reappropriated funds figure, that appropriation, when combined with the related cash funds or reappropriated funds transfers from the centralized appropriations to the office of the executive director, is used to support a federally supported program and is the maximum amount of cash funds or reappropriated moneys that may be expended in that program, except where otherwise provided. In the event that additional federal funds are available for the program, the combined cash funds or reappropriated funds amount noted as "(H)" shall be reduced by the amount of federal funds earned or received in excess of the figure shown in the "federal funds" column for that program. In the event that the federal funds earned or received are less than the amount shown in the "federal funds" column, the combined cash funds or reappropriated funds amount noted as "(H)" shall be reduced proportionately. Where cash funds or reappropriated funds support is required as a condition for the acceptance of federal funds and the state matching requirements are reduced, the combined cash funds or reappropriated funds amount noted as "(H)" shall be reduced proportionately. These provisions shall apply only to the cash funds or reappropriated funds amount which remains unexpended at the time of the change in federal requirements or funding. It is intended that the cash funds or reappropriated funds amount and the federal funds amount shall be expended in equally proportioned amounts throughout the year.

(g) Reappropriated funds means moneys appropriated again subsequent to an initial appropriation in the same fiscal year. The designation of moneys as reappropriated funds has no bearing on whether the moneys constitute a grant from the state of Colorado pursuant to section 20 (2) (d) of article X of the state constitution.

(h) (I) The figures in the "federal funds" column earned or received under the following federal programs which are subject to a state match or which are subject to transfer to other block grants shall be limits on the amount of expenditures of such funds, and such funds shall be expended in accordance with applicable state and federal statutes, including all provisions of this act:

Title XX Social Services Block Grant

Maternal and Child Health Block Grant

(II) The figures in the "federal funds" column earned or received

under the following federal programs shall be limits on the amount of expenditures of such funds, and such funds shall be expended in accordance with applicable state and federal statutes, including all provisions of this act:

Child Care Development Funds

Temporary Assistance for Needy Families Block Grant

(III) The figures in the "federal funds" column for all other programs are anticipated federal funds, and, although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumption used relative to those funds in developing the basic appropriations amounts.

(i) The general assembly accepts no obligation directly or indirectly for support or continuation of non-state-funded programs or grants where no direct or indirect state contribution is required. Furthermore, the general assembly accepts no obligation for costs incurred by or claimed against nonappropriated federally funded programs.

(j) No moneys appropriated by this act shall knowingly be paid to any organization, business firm, person, agency, or club which places restrictions on employment or membership based on sex, sexual orientation, race, age, marital status, creed, color, religion, national origin, ancestry, or physical handicap.

(k) Pursuant to section 24-30-202 (2), Colorado Revised Statutes, the controller shall examine all state contracts entered into during the fiscal year commencing July 1, 2013, to determine whether such contracts are authorized by an appropriation within this act, and, pursuant to section 24-30-202 (3), Colorado Revised Statutes, no agency shall incur obligations by contract in excess of the amounts appropriated by this act.

(l) (I) Where the letter "(I)" appears directly to the right of a figure or in a letternote referencing a figure, that amount is not an appropriation, nor does it limit the expenditure of such moneys. The figure is included for informational purposes only. It provides a record of funds anticipated to be expended and, in some instances, may indicate assumptions used relative to those funds in developing appropriated amounts.

(II) The (I) notation applies to a general fund, general fund exempt, or cash funds figure when the amount is continuously appropriated to, or otherwise authorized by law to be spent by, a department or agency of state government pursuant to a provision of state statute or the state constitution.

(III) The (I) notation applies to a reappropriated funds figure when the amount is continuously appropriated to, or otherwise authorized by law to be spent by, a department or agency of state government pursuant to a provision of state statute or the state constitution or, in some instances, when the underlying federal funds source from which the amount is reappropriated is subject to the (I) notation.

(IV) The (I) notation applies to all federal funds except when the federal funds represent a limit on expenditures as specified in paragraph (h) of this section, when the letter (M) or (H) appears to the right of a general fund, cash funds, or reappropriated funds figure in the same line item, or when the general assembly has the authority to appropriate the federal funds.